

**SB3854**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB3854**

Introduced 2/14/2020, by Sen. Cristina Castro

**SYNOPSIS AS INTRODUCED:**

705 ILCS 405/5-901

Amends the Juvenile Court Act of 1987. Provides that relevant information, reports and records, held by the Department of Juvenile Justice, including social investigation, psychological and medical records, of any juvenile offender, shall be made available to any county juvenile detention facility or any Illinois Probation Department, where the subject juvenile offender formerly was in the custody of the Department of Juvenile Justice, released to mandatory supervision, released to aftercare, or released to juvenile parole, and is subsequently ordered to be held in a county juvenile detention facility, or ordered to be supervised by a county or circuit Probation Department. Effective immediately.

LRB101 20794 RLC 70487 b

**A BILL FOR**

1 AN ACT concerning courts

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. Findings.

5 The General Assembly finds that an adequate continuum of  
6 care is necessary to better address the needs of juveniles  
7 within the court system.

8 The General Assembly finds that the unique partnership of  
9 State and local services is needed to provide the right  
10 placements, and the right services for justice-involved  
11 juveniles.

12 The General Assembly finds that providing information to  
13 local probation departments in a timely manner will improve  
14 both services and outcomes for juveniles.

15 Therefore, the General Assembly recommends that  
16 information to assist juveniles needs to be available while at  
17 the same time maintaining its confidentiality.

18 Section 10. The Juvenile Court Act of 1987 is amended by  
19 changing Section 5-901 as follows:

20 (705 ILCS 405/5-901)

21 Sec. 5-901. Court file.

22 (1) The Court file with respect to proceedings under this

1 Article shall consist of the petitions, pleadings, victim  
2 impact statements, process, service of process, orders, writs  
3 and docket entries reflecting hearings held and judgments and  
4 decrees entered by the court. The court file shall be kept  
5 separate from other records of the court.

6 (a) The file, including information identifying the  
7 victim or alleged victim of any sex offense, shall be  
8 disclosed only to the following parties when necessary for  
9 discharge of their official duties:

10 (i) A judge of the circuit court and members of the  
11 staff of the court designated by the judge;

12 (ii) Parties to the proceedings and their  
13 attorneys;

14 (iii) Victims and their attorneys, except in cases  
15 of multiple victims of sex offenses in which case the  
16 information identifying the nonrequesting victims  
17 shall be redacted;

18 (iv) Probation officers, law enforcement officers  
19 or prosecutors or their staff;

20 (v) Adult and juvenile Prisoner Review Boards.

21 (b) The Court file redacted to remove any information  
22 identifying the victim or alleged victim of any sex offense  
23 shall be disclosed only to the following parties when  
24 necessary for discharge of their official duties:

25 (i) Authorized military personnel;

26 (ii) Persons engaged in bona fide research, with

1 the permission of the judge of the juvenile court and  
2 the chief executive of the agency that prepared the  
3 particular recording: provided that publication of  
4 such research results in no disclosure of a minor's  
5 identity and protects the confidentiality of the  
6 record;

7 (iii) The Secretary of State to whom the Clerk of  
8 the Court shall report the disposition of all cases, as  
9 required in Section 6-204 or Section 6-205.1 of the  
10 Illinois Vehicle Code. However, information reported  
11 relative to these offenses shall be privileged and  
12 available only to the Secretary of State, courts, and  
13 police officers;

14 (iv) The administrator of a bonafide substance  
15 abuse student assistance program with the permission  
16 of the presiding judge of the juvenile court;

17 (v) Any individual, or any public or private agency  
18 or institution, having custody of the juvenile under  
19 court order or providing educational, medical or  
20 mental health services to the juvenile or a  
21 court-approved advocate for the juvenile or any  
22 placement provider or potential placement provider as  
23 determined by the court.

24 (3) A minor who is the victim or alleged victim in a  
25 juvenile proceeding shall be provided the same confidentiality  
26 regarding disclosure of identity as the minor who is the

1 subject of record. Information identifying victims and alleged  
2 victims of sex offenses, shall not be disclosed or open to  
3 public inspection under any circumstances. Nothing in this  
4 Section shall prohibit the victim or alleged victim of any sex  
5 offense from voluntarily disclosing his or her identity.

6 (4) Relevant information, reports and records shall be made  
7 available to the Department of Juvenile Justice when a juvenile  
8 offender has been placed in the custody of the Department of  
9 Juvenile Justice.

10 (4.5) Relevant information, reports and records, held by  
11 the Department of Juvenile Justice, including social  
12 investigation, psychological and medical records, of any  
13 juvenile offender, shall be made available to any county  
14 juvenile detention facility or any Illinois Probation  
15 Department, where the subject juvenile offender formerly was in  
16 the custody of the Department of Juvenile Justice, released to  
17 mandatory supervision, released to aftercare, or released to  
18 juvenile parole, and is subsequently ordered to be held in a  
19 county juvenile detention facility, or ordered to be supervised  
20 by a county or circuit Probation Department.

21 (5) Except as otherwise provided in this subsection (5),  
22 juvenile court records shall not be made available to the  
23 general public but may be inspected by representatives of  
24 agencies, associations and news media or other properly  
25 interested persons by general or special order of the court.  
26 The State's Attorney, the minor, his or her parents, guardian

1 and counsel shall at all times have the right to examine court  
2 files and records.

3 (a) The court shall allow the general public to have  
4 access to the name, address, and offense of a minor who is  
5 adjudicated a delinquent minor under this Act under either  
6 of the following circumstances:

7 (i) The adjudication of delinquency was based upon  
8 the minor's commission of first degree murder, attempt  
9 to commit first degree murder, aggravated criminal  
10 sexual assault, or criminal sexual assault; or

11 (ii) The court has made a finding that the minor  
12 was at least 13 years of age at the time the act was  
13 committed and the adjudication of delinquency was  
14 based upon the minor's commission of: (A) an act in  
15 furtherance of the commission of a felony as a member  
16 of or on behalf of a criminal street gang, (B) an act  
17 involving the use of a firearm in the commission of a  
18 felony, (C) an act that would be a Class X felony  
19 offense under or the minor's second or subsequent Class  
20 2 or greater felony offense under the Cannabis Control  
21 Act if committed by an adult, (D) an act that would be  
22 a second or subsequent offense under Section 402 of the  
23 Illinois Controlled Substances Act if committed by an  
24 adult, (E) an act that would be an offense under  
25 Section 401 of the Illinois Controlled Substances Act  
26 if committed by an adult, or (F) an act that would be

1 an offense under the Methamphetamine Control and  
2 Community Protection Act if committed by an adult.

3 (b) The court shall allow the general public to have  
4 access to the name, address, and offense of a minor who is  
5 at least 13 years of age at the time the offense is  
6 committed and who is convicted, in criminal proceedings  
7 permitted or required under Section 5-805, under either of  
8 the following circumstances:

9 (i) The minor has been convicted of first degree  
10 murder, attempt to commit first degree murder,  
11 aggravated criminal sexual assault, or criminal sexual  
12 assault,

13 (ii) The court has made a finding that the minor  
14 was at least 13 years of age at the time the offense  
15 was committed and the conviction was based upon the  
16 minor's commission of: (A) an offense in furtherance of  
17 the commission of a felony as a member of or on behalf  
18 of a criminal street gang, (B) an offense involving the  
19 use of a firearm in the commission of a felony, (C) a  
20 Class X felony offense under the Cannabis Control Act  
21 or a second or subsequent Class 2 or greater felony  
22 offense under the Cannabis Control Act, (D) a second or  
23 subsequent offense under Section 402 of the Illinois  
24 Controlled Substances Act, (E) an offense under  
25 Section 401 of the Illinois Controlled Substances Act,  
26 or (F) an offense under the Methamphetamine Control and

1           Community Protection Act.

2           (6) Nothing in this Section shall be construed to limit the  
3 use of a adjudication of delinquency as evidence in any  
4 juvenile or criminal proceeding, where it would otherwise be  
5 admissible under the rules of evidence, including but not  
6 limited to, use as impeachment evidence against any witness,  
7 including the minor if he or she testifies.

8           (7) Nothing in this Section shall affect the right of a  
9 Civil Service Commission or appointing authority examining the  
10 character and fitness of an applicant for a position as a law  
11 enforcement officer to ascertain whether that applicant was  
12 ever adjudicated to be a delinquent minor and, if so, to  
13 examine the records or evidence which were made in proceedings  
14 under this Act.

15           (8) Following any adjudication of delinquency for a crime  
16 which would be a felony if committed by an adult, or following  
17 any adjudication of delinquency for a violation of Section  
18 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, the State's Attorney shall ascertain  
20 whether the minor respondent is enrolled in school and, if so,  
21 shall provide a copy of the sentencing order to the principal  
22 or chief administrative officer of the school. Access to such  
23 juvenile records shall be limited to the principal or chief  
24 administrative officer of the school and any guidance counselor  
25 designated by him or her.

26           (9) Nothing contained in this Act prevents the sharing or



1 disclosure of information or records relating or pertaining to  
2 juveniles subject to the provisions of the Serious Habitual  
3 Offender Comprehensive Action Program when that information is  
4 used to assist in the early identification and treatment of  
5 habitual juvenile offenders.

6 (11) The Clerk of the Circuit Court shall report to the  
7 Department of State Police, in the form and manner required by  
8 the Department of State Police, the final disposition of each  
9 minor who has been arrested or taken into custody before his or  
10 her 18th birthday for those offenses required to be reported  
11 under Section 5 of the Criminal Identification Act. Information  
12 reported to the Department under this Section may be maintained  
13 with records that the Department files under Section 2.1 of the  
14 Criminal Identification Act.

15 (12) Information or records may be disclosed to the general  
16 public when the court is conducting hearings under Section  
17 5-805 or 5-810.

18 (13) The changes made to this Section by Public Act 98-61  
19 apply to juvenile court records of a minor who has been  
20 arrested or taken into custody on or after January 1, 2014 (the  
21 effective date of Public Act 98-61).

22 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;  
23 98-756, eff. 7-16-14.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.